Appl. No. 09/909,025
Reply to Office Action of July 12, 2005

Docket No. EMC-011PUS

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the amendments set forth above and the below remarks.

Applicant makes this submission to supplement the amendments and remarks contained in the response filed as part of the RCE application.

### The Prior Art Rejections

The Examiner has rejected claims 47-63 under 35 U.S.C. §102 over U.S. Patent No. 5,018,060 to Gelb. Applicant respectfully traverses this rejection.

In further reviewing Gelb, Applicant submits that Gelb is directed to automatic class selection (ACS) for *units of data*, and not defining *storage* properties as claimed. That is, Gelb teaches evaluating a *unit of data* to automatically define data classes, storage classes, and management classes for the unit of data. Storage devices are assigned to storage groups. After automatically assigning the classes to the unit of data, a storage group is also assigned. Gelb states, in the Abstract for example, that "matching of the different classes and [storage] group are independent of each other. In column 7, lines 54-65, Gelb explicitly states that storage requirements are separate from device capabilities.

With regard to storage groups, a relatively simple source code listing for a storage group ACS routine is described in columns 15 and 16 entitled "Storage Group ACS Routine." Gelb teaches that a database storage class is assigned to the LARGE storage group. The disclosed storage groups are LARGE, VIO, and PRIMARY. ACS for a storage group is described at col. 19, lines 40-59. Gelb states in this passage that "one storage group will be describing storage parameters for data sets having diverse data classes, storage classes and management classes."

Page 6 of 9

Appl. No. 09/909,025                                              Docket No. EMC-011PUS
Reply to Office Action of July 12, 2005

In contrast, the present invention is directed to creating a data storage pool by assigning properties to storage resources and allocating storage resources based on those properties. This has no bearing the ACS routines to assign classes to a unit of data taught by Gelb.

More particular, claim 47 requires a method of creating a data storage pool, including providing information for a plurality of storage resources in response to *a user query*, assigning at least one storage property to selected ones of the plurality of storage resources *in response to user instructions* to define the data storage pool, receiving a logical expression to identify respective ones of the storage resources that are available for a requested store operation based *upon the storage properties assigned* to the selected ones of the storage resources, and allocating selected ones of the identified storage resources for the requested store operation.

Further more, claim 47 requires providing information for a plurality of resources (not units of data as in Gelb) in response to a user query. That is, a storage administrator, for example, can interrogate or obtain storage resource information to generate storage properties for the storage resources. This is quite different from the ACS routines for units of data disclosed in Gelb.

Accordingly, Applicant submits that claim 47 is patentably distinguishable over Gelb. For substantially the same reasons, Applicant submits that claims 48-66 are distinguishable over the cited art.

In addition, Applicant submits that certain dependent claims are further patentably distinguishable over Gelb.

For example, claim 50 requires receiving a new storage property as part of a logical expression to identify storage resources available. Gelb does not teach this claim feature.

Appl. No. 09/909,025                                    Docket No. EMC-011PUS
Reply to Office Action of July 12, 2005

Similarly, claim 66 requires a logical expression having a storage property not assigned to any of the storage resources, receiving an identification of a storage resource, and allocating the storage resource.

In view of the above, Applicant submits that claims 47-66 are in condition for allowance and a notice thereof is respectfully requested.

The Examiner is encouraged to contact the undersigned to discuss any matter in furtherance of the present application.

Applicant does not acquiesce to any assertion made by the Examiner that may not be addressed herein.

Appl. No. 09/909,025                                Docket No. EMC-011PUS
Reply to Office Action of July 12, 2005
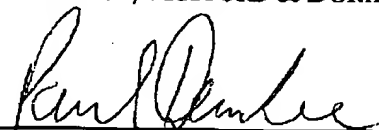
The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

Dated: _2 Feb 06_                                DALY, CROWLEY, MOFFORD & DURKEE, LLP

By:_____

Paul D. Durkee
Reg. No. 41,003
Attorney for Applicant(s)
354A Turnpike Street - Suite 301A
Canton, MA  02021-2714
Tel.:  (781) 401-9988, Ext. 21
Fax:  (781) 401-9966
*pdd@dc-m.com*

22465.doc

Page 9 of 9